

60,130-1304; 00MRA0192

REMARKS

Applicant has amended this application in response to the office action. Claim 20 has been amended to respond to the rejection over the WO 00/53446 reference. In particular, the WO '446 reference does not meet claim 20, in that the WO '446 reference does not itself have a seal. Instead, a seal is positioned elsewhere within a door. However, claim 20 has been amended to recite that the drive is on one side of the carrier, and the guide rails are on the other. This is simply not shown by the WO '446 reference.

With claim 20 being allowable, the dependent claims 21-33 are also allowable.

In addition, however, the obviousness rejection of claims 21-23 is improper. The Feige reference cannot be properly combined with the WO '446 reference. The WO '446 reference discloses a door assembled with a drive provided in a sealed unit on a wet side of the water barrier 24. Feige discloses a door in which the door inner panel provides the barrier between the wet and dry side. In Feige, the majority of the drive is positioned on the dry side with a portion of the drive protruding through to the wet side, and a peripheral seal strip maintaining the seal. There is simply no motivation to combine these two disclosures, since they teach in totally different directions as to the seal. Even if a person skilled in the art were to attempt to combine the disclosures, the different positioning of the drive in the WO '446 reference would prevent the use of a peripheral seal as shown in Feige to provide any sort of barrier.

In the present claimed invention, one advantage of the drive being wholly on the dry side is ease of servicing and replacement from inside the vehicle. This benefit is not provided by either of the prior art references.

60,130-1304; 00MRA0192

Further, new claim 40 depends to claim 21 and emphasizes the liquid barrier function as described above.

Independent claim 38 is also improperly rejected. The Herringshaw reference discloses a door assembled from the inside outwardly. In Herringshaw, the window regulator is of the type having a gear quadrant attached to an arm rather than a cable arrangement. A drive motor 54 is on the wet side of the door and perhaps may be sealed against moisture. The examiner considers an anti-intrusion beam 32 to be a "carrier" and for it to have the claimed first and second elongate members by virtue of three holes in the beam. The examiner also appears to regard the beam as being suitable for a cable for supporting a window. In view of its shape, this would not appear to be the case.

The examiner then goes on to argue that it would be obvious to replace the gear quadrant mechanism of Herringshaw with the cable mechanism of Borchuk "to maintain the parallelism of the glass." Borchuk is concerned with moving large, and therefore heavy pieces of window glass in the tailgates of sports utility vehicles. Based upon this, Borchuk is motivated to use a dual-drum cable system. Herringshaw is concerned with smaller and lighter pieces of glass such as found in vehicle passenger doors. Thus, maintaining "parallelism" of the glass would not be any particular problem in the Herringshaw device. It appears that the examiner is simply using hindsight reconstruction to find any motivation.

The examiner then further adds in the Ritchie reference to provide a claimed seal spaced between the carrier and the exterior side of the door and a panel. In fact, Ritchie discloses a door assembly in which the alleged seal 70 is in fact a bead of adhesive gluing an outer skin of the door to an intermediate shell 16. This bead of adhesive is in no way related to a seal spaced

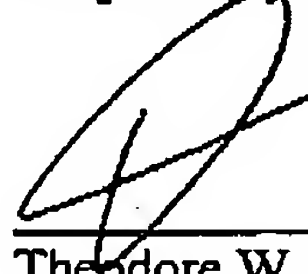
60,130-1304; 00MRA0192

between a carrier and a door and a panel, and a person skilled in this art would not be motivated to look to Ritchie to provide a seal for sealing carrier 12 of Borchuk to the door inner panel 18 of Herringshaw. This is particularly true in view of the fact that this "seal" would not actually be of any use in providing a water barrier. Factors such as the holes in the beam of Borchuk, would mean nothing would be sealed by using this seal.

In sum, claim 38 is not obvious in view of these three references. In addition, new claim 39 is dependent on claim 38 and includes a limitation that the plate, together with the door inner panel, provides a substantially water-tight barrier between the interior and exterior of the vehicle.

For the reasons set forth above, all claims are allowable, and an indication of such is requested.

Respectfully submitted,



Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: February 9, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on February 9, 2005.


Laura Combs